

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FRANCIS L. MURPHY III,

Plaintiff,

vs.

CONVERGENT OUTSOURCING, INC.,

Defendant.

Case No. 2:12-cv-01693-MMD-PAL

ORDER

(Mtn to Extend - Dkt. #10)

This matter is before the court on Plaintiff Francis L. Murphy III's Motion for a Thirty Day Extension to Serve Process on Defendant Convergent Outsourcing, Inc. (Dkt. #10) filed January 23, 2013.

Plaintiff filed his Complaint (Dkt. #1) on September 26, 2012. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service of process is due no later than January 24, 2012. The Motion represents that Plaintiff is in contact with the Defendant, Defendant is aware of these proceedings, and the parties are engaged in settlement negotiations to resolve this case. If no settlement is reached by February 6, 2013, Plaintiff will serve process on Defendants. If the extension is not granted, Plaintiff contends he will be barred from re-filing his case by the applicable statute of limitations.

Rule 4(m) of the Federal Rules of Civil Procedure governs the time in which service of process must be made, and it provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

1 Having reviewed and considered the matter, and good cause appearing,

2 **IT IS ORDERED:**

- 3 1. Plaintiff's Motion to Extend (Dkt. #10) is GRANTED.
- 4 2. Service of the Complaint and Summons must be effected on Defendant Convergent
- 5 Outsourcing, Inc., no later than **March 4, 2013**.

6 Dated this 30th day of January, 2013.

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9 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

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